UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,410	07/11/2003	Richard D. Dettinger	ROC920030164US1	5542

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EXAMINER
SAEED, USMAAN

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

--*The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

THE REPLY FILED <u>18 May 2007</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

    a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

    b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

        Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

    (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

    (b)☐ They raise the issue of new matter (see NOTE below);

    (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

        NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: *1,4-20 and 23-42*.

    Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
    <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.

13. ☐ Other: _____.

2

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that Snodgrass and Rubert do not teach "query execution schedule configured to schedule specific queries" and say's that Snodgrass deals only with a query execution plan and a selected plan does not provide a schedule for more than one query.

In response to the preceding arguments examiner respectfully submits that the arguments about plurality of queries are new and were not presented before.

Examiner also submits that Snodgrass teaches, "query execution schedule configured to schedule specific queries" as generating a number of query plans according to queries entered by the user (Snodgrass Paragraphs 0016, 0020-0022). Therefore, plurality of queries are being provided with a plan/schedule.

Further, Rubert teaches plurality of queries with schedule times (Rubert Figure 4 and Col 12, Lines 8-48).

Applicant further argues that "criteria relied upon by the examiner are not query eligibility criteria identifying specific queries".

In response to the preceding argument examiner respectfully submits that the criteria defined by the applicant in his specification describes that "query eligibility criteria specified with a schedule may include criteria based on the amount of estimated computing resources needed to run the specific queries."

In view of applicant's description Snodgrass teaches estimating the cost in processing resources according to each query plan (Snodgrass Paragraph 0016). Further Snodgrass teaches more cost effective query plans can be chosen, avoiding that query plans demanding large resources compared to other plans are chosen. The resources could comprise the IO resources and CPU resources (Snodgrass Paragraph 0017).

Applicant further argues that Rubert does not teach, "predefined query execution schedule" and that there is no motivation to combine these references.

In response to the preceding arguments examiner respectfully submits that Snodgrass teaches, "predefined query execution schedule" as generating a number of query plans according to queries entered by the user (Snodgrass Paragraphs 0016, 0020-0022). The plans/schedules in Snodgrass are predefined schedules/plans.

Snodgrass is teaching to provide cost effective plan for the execution of queries and Rubert is also providing cost effective execution schedules for the execution of queries. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of the cited references because Rubert's teaching would have allowed Snodgrass to provide an efficient retrieval of information from one of several databases and to provide efficient query execution by automatically performing the query execution and notifying the user of the query results in a cost effective manner.

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER

2